



STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2014-36 Legistar #: 20140857

Board of Zoning Appeals Hearing: Monday, August 25, 2014 – 6:00 p.m.

Property Owner: James R. Trimble
80 Polk Street
Marietta, GA 30064

Address: 80 Polk Street

Land Lot: 11580 District: 16 Parcel: 0710

Council Ward: 3A Existing Zoning: R-4 (Single Family Residential 4 units/acre)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to reduce the side yard setback for an accessory structure from 10' to 0.' [§708.04 (F.4)]
2. Variance to reduce the rear yard setback for an accessory structure from 22' to 0.' [§708.04 (F.4)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.

3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



80 Polk Street



Proposed structure location

Recommended Action:

Denial. James R. Trimble is requesting variances in order to construct a carriage house with a carport in the rear of his property at 80 Polk Street. The subject property, and all surrounding properties, is zoned R-4 (Single Family Residential – 4 units/acre) and contain historic, single family detached residences. Across Polk Street to the south is a park owned and used by First United Methodist Church of Marietta.

The proposed structure would contain a two-vehicle carport, storage area, potting area, and bonus room with full bathroom above. Residential zoning regulations require a ten (10) foot side setback for accessory structures that are 15 feet or less in height. For structures exceeding fifteen (15) feet in height, the required rear setback is equal to the height of the structure. According to the applicant, the structure will be twenty two (22) feet tall; which establishes the requirement for a 22' rear setback under current regulations. The applicant is requesting variances in order to be able to place the carriage house as close (0' setback) to both the side and rear property lines as possible.

The yard behind the house is large enough that the structure could shifted to a more central location in the yard, more to the east, or attached to the house in order to avoid setback problems. However, the applicant has stated that they would like to maximize the amount of open space for use as a yard, while still being able to benefit from covered parking, which is not a feature often found in historic homes.

While it may be understandable that the applicant would like to have full use of his yard, having a carport with a zero setback creates the potential for issues related to run-off from the roof and maintenance of the building walls. Should these, or other issues, arise once the building is set in place, there are no easily identifiable solutions for any such issues.

In addition, some fire and building code issues may arise when building a structure, especially one with habitable space, so close to a property line. As shown in the picture above and noted on the submitted survey, the neighbor to the west has a garage that is also very close to the property line. This is the same area that the applicant would like to place the carriage house, which would result in two structures very close to one another. If the variance is granted to reduce the required setbacks, the Fire Department will likely require the structure to have a sprinkler system and the Building Department may not allow windows on the west facing side of the structure.

While the desire to have covered parking is understandable, the home was purchased without this feature. Staff believes there are other placement or design considerations that would minimize the need to completely eliminate the side and rear setbacks and, as a result, recommends the **denial of this variance request.**